



March 8, 1999

Ms. Sharon R. Sela
Assistant City Attorney
Office of the City Attorney
Municipal Building
Dallas, Texas 75201

OR99-0643

Dear Ms. Sela:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 122673.

The City of Dallas (the "city") received a request for the police report and any photos that were taken at the site of an accident that occurred at I-45 and I-20 (file number 83430G). You state that you will release a copy of the accident report and some of the photographs. You claim that the photographs of peace officers are excepted from disclosure under section 552.119 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

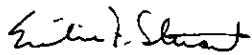
Chapter 552 of the Government Code imposes a duty on a governmental body seeking an open records decision pursuant to section 552.301 to submit that request to the attorney general within ten business days after the governmental body's receipt of the request for information. The time limitation found in section 552.301 is an express legislative recognition of the importance of having public information produced in a timely fashion. *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379, 381 (Tex. App.--Austin 1990, no writ). When a request for an open records decision is not made within the time period prescribed by section 552.301, the requested information is presumed to be public. *See* Gov't Code § 552.302. This presumption of openness can only be overcome by a compelling demonstration that the information should not be made public. *See, e.g.*, Open Records Decision No. 150 (1977) (presumption of openness overcome by a showing that the information is made confidential by another source of law or affects third party interests).

In this case, Government Code section 552.119 specifically protects the information at issue from disclosure. Section 552.119 of the Government Code prohibits the release of a photograph that depicts a peace officer as defined by article 2.12 of the Code of Criminal Procedure except in certain circumstances. There are photographs of police officers in the

submitted documents. Unless the peace officers have given their consent to release of the photographs or one of the exceptions set forth in section 552.119 applies, the city must withhold the portions of the photographs that depict the officers. The remaining parts of the photographs must be released.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Emilie F. Stewart
Assistant Attorney General
Open Records Division

EFS\nc

Ref: ID# 122673

Enclosures: Submitted documents

cc: Ms. Kathryn Delaney
U.S. Department of Labor
8344 East R.L. Thornton Freeway
Dallas, Texas 75228
(w/o enclosures)